

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA

Docket No. 5:10-CV-583

Aaron Buckner, Allison Butler, Jack Clifford  
Elliot, Chad Goudy, Joshua O'Dell, and Amy  
Rullis,

Plaintiffs,

vs.

North Carolina Culinary Ventures, LLC d/b/a/  
An New World Cuisine Restaurant and Michael  
Chuong,

Defendants.

**JOINT MOTION FOR APPROVAL OF SETTLEMENT OF FLSA CLAIMS AND  
ENTRY OF STIPULATED JUDGMENT**

Now come counsel for Plaintiffs and Defendants and move the court for approval of the settlement they have reached to resolve Plaintiffs' claims under the Fair Labor Standards Act ("FLSA"). In support thereof, the parties show the Court the following:

1. Plaintiffs filed their Complaint in the Wake County Superior Court on November 23, 2010.
2. Defendants removed the case to the this Court on December 22, 2010 and obtained an extension of time to answer until January 28, 2011. Defendants moved for an additional 14-day extension of time to answer on January 26, 2011, which was granted. Defendants' current deadline to answer is February 11, 2011.
3. The parties conducted a voluntary mediation on January 17 and 18, 2011. The mediator was Patricia L. Holland of Jackson Lewis LLP. At the mediation, the parties agreed on a settlement, and now seek the Court's approval of the settlement of Plaintiffs' claims under the FLSA and entry of the attached Stipulated Judgment.

4. The parties have agreed to settle Plaintiffs' FLSA claims for a total of \$20,000.00 paid by Culinary to Plaintiffs, allocated as follows:

Amy Rullis	Six Thousand Four Hundred Dollars (\$6,400.00)
Jack Clifford Elliott	Five Thousand Dollars (\$5,000.00)
Chad Goudy	Three Thousand Two Hundred Dollars (\$3,200.00)
Joshua O'Dell	Two Thousand Four Hundred Dollars (\$2,400.00)
Aaron Buckner	Two Thousand Dollars (\$2,000.00)
Allison Butler	One Thousand Dollars (\$1,000.00)

5. The parties have agreed that Defendant Culinary will also pay an attorneys' fee of \$6,600.00 to Plaintiffs' counsel.

6. The parties respectfully request the Court to approve their settlement and enter the Stipulated Judgment.

7. The parties have stipulated that judgment should be entered only against North Carolina Culinary Ventures, LLC d/b/a/ An New World Cuisine Restaurant.

This the 8th day of February 2011.

**THE NOBLE LAW FIRM**

By: /s/Laura Noble  
Laura Noble  
N.C. State Bar No. 38691  
Nicolas J. Sanservino, Jr.  
N.C. State Bar No. 36557  
115 East Main Street  
Durham, NC 27701  
Telephone: (919) 251-6008  
Facsimile: (919) 869-2079  
Email: ln@thenoblelaw.com  
Email: nick@thenoblelaw.com.

ATTORNEYS FOR PLAINTIFFS  
AARON BUCKNER, ALLISON  
BUTLER, JACK CLIFFORD ELLIOT,  
CHAD GOUDY, JOSHUA O'DELL,  
AND AMY RULLIS

**POYNER SPRUILL LLP**

By: /s/Susanna Knutson Gibbons  
Susanna Knutson Gibbons  
N.C. State Bar No. 9815  
Kevin M. Ceglowski  
N.C. State Bar No. 35703  
301 Fayetteville Street, Suite 1900  
Raleigh, NC 27601  
Telephone: (919) 783-6400  
Facsimile: (919) 783-1075  
Email: sgibbons@poynerspruill.com  
Email: kceglowski@poynerspruill.com

ATTORNEYS FOR DEFENDANTS  
NORTH CAROLINA CULINARY  
VENTURES, LLC D/B/A/ AN NEW  
WORLD CUISINE RESTAURANT  
AND MICHAEL CHUONG

## **CERTIFICATE OF SERVICE**

I hereby certify that I today electronically filed the foregoing ***JOINT MOTION FOR APPROVAL OF SETTLEMENT OF FLSA CLAIMS AND ENTRY OF STIPULATED JUDGMENT*** with the Clerk of Court using the CM/ECF system which will send notification to counsel for Plaintiffs:

Laura Noble  
Nicolas J. Sanservino, Jr.  
The Noble Law Firm  
115 East Main Street  
Durham, NC 27701

This the 8th day of February 2011.

## **POYNER SPRUILL LLP**

By: /s/Susanna Knutson Gibbons  
Susanna Knutson Gibbons  
N.C. State Bar No. 9815  
Kevin M. Ceglowski  
N.C. State Bar No. 35703  
301 Fayetteville Street, Suite 1900  
Raleigh, NC 27601  
Telephone: (919) 783-6400  
Facsimile: (919) 783-1075  
Email: sgibbons@poynerspruill.com  
Email: kceglowski@poynerspruill.com

ATTORNEYS FOR DEFENDANTS  
NORTH CAROLINA CULINARY  
VENTURES, LLC D/B/A/ AN NEW  
WORLD CUISINE RESTAURANT  
AND MICHAEL CHUONG